

The Federal Government America's Largest Landowner

Regarding the power granted by the United States Constitution to the federal government to hold and control land within this Nation, Article I Section 8, clause 17 of the United States Constitution states:

“Congress shall have power... To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square), as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings...”

By authority of this Constitutional stipulation, Washington D.C. was created as a federally held jurisdiction, and (by consent of the State legislatures in which the lands were to be “federalized”) the other authorized actions were carried out (forts were established, as were magazines, arsenals, dock-yards, and other buildings). No other authority for permanently-held federal lands is found within the United States Constitution.

The Tenth Amendment to the United States Constitution reinforces the intent of the Founders that unless a power was specifically granted to the National government, it was withheld from the federal government and retained by the States, or the people:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” (Tenth Amendment)

It was clearly understood by the Founders of this Nation that additional States would be admitted and become part of the new nation. Article IV Section 3 of the United States Constitution states:

“New States may be admitted by the Congress into this Union...”

As the Founders of this Nation created the regulations which were to guide the admission of new States to the Nation, they assured that all new States would be admitted upon equal footing and status with the original 13 States:

“And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates, into the Congress of the United States, **on an equal footing with the original States, in all respects whatever**; and shall be at liberty to for a permanent constitution and State government: Provided, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission

shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.”¹

Certainly, by treaty and through purchase, the National government obtained additional land in the Westward movement, but in the beginning, as quickly as these lands were obtained, efforts were undertaken to pass those lands into the hands of the States, or to the people, as the new States were admitted as States. This was one of the means by which the federal government sought to eliminate the national debt.

By observing their actions as they admitted new States East of the Mississippi River, we may deduce that the Founding Fathers of this Nation intended that the National government NOT un-Constitutionally withhold lands from the States and the people. Federal land holdings within the States East of the Mississippi varies between 1-3 percent in each of those States. In the West, the federal government has un-Constitutionally retained ownership of vast tracks of land that should have passed to the States or the people. In Utah, two-thirds of the land mass of this State is held by the federal government. It is even much higher than that in other Western States.

Because true wealth and prosperity are inextricably interwoven to the land (raw materials—minerals, timber, energy sources, food, water, etc. are all tied to land ownership), federal land ownership prevents a full measure of prosperity from being attained in the States that have been thus handicapped.

There is no Constitutional justification for the federal government to be the largest land-holder in this Nation, and in fact the Constitution states the original intention of Founders that the land holdings of the federal government be relatively small and constrained to specific purposes defined within the Constitution. And we may clearly see that the Founders carried out that intention as they administered the affairs of the Nation.

The reality is: we do not have too many people, we have too much government. The federal government should not hold ownership and power over the vast tracts of land that it currently does, and the Nation must begin the effort to pass those lands into the control of the States and the people as is required by the United States Constitution.

—Scott N. Bradley

1 - GOVERNMENT OF THE NORTHWEST TERRITORY 1787. An Ordinance for the government of the territory of the United States northwest of the river Ohio. ARTICLE V. Emphasis added. This ordinance created the framework and process by which new States have been admitted to the Union since the founding of the Nation. After the United States Constitution was ratified, this ordinance was again passed by Congress to assure that it was clearly understood to apply under the new Constitution.